IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

W.P.(C).No.23689 of 2006(S)

PETITIONER:-

THOMASKUTTY, S/O. ABRAHAM,
AGED 34 YEARS, MOOZHIKUZHIYIL HOUSE, AKAMPADOM,
ERANJIMANGAD P.O., MALAPPURAM DISTRICT.

BY ADV. SMT.DAISY THAMPI.

RESPONDENTS:-

1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   DEPARTMENT OF FORESTS & WILDLIFE,
   THIRUVANANTHAPURAM.

2. CONSERVATOR OF FORESTS(INSPECTION AND EVALUATION),
   KOZHIKODE.

3. CHIEF CONSERVATOR OF FORESTS,
   VIGILANCE, THIRUVANANTHAPURAM.

4. THE DIVISIONAL FOREST OFFICER, NILAMBUR NORTH.

5. UNION OF INDIA
   REP. BY THE SECRETARY, MINISTRY OF ENVIRONMENT AND FOREST,
   PARYAVARAN BHAVAN, LODI ESTATE, NEW DELHI.

6. P. PUGAZHENDI,
   DEPUTY CONSERVATOR OF FORESTS (PROTECTION),
   FOREST HEAD QUARTERS, VAZHUTHAKKAD,
   THIRUVANANTHAPURAM.

7. P.K. ASIF,
   RANGE OFFICER, FOREST RESOURCE SURVEY CELL,
   PALACE ROAD, CHEMBUKAVU, THRISSUR-20.

R1 TO R4 BY SENIOR GOVT.PLEADER SRI.M.R.SABU.
R5 BY ASST.S.G. OF INDIA SRI.JOHN VARGHESE.
R6 & R7 BY ADV.SRI.M.C.JOHN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF THE REPORT PUBLISHED IN MALAYALA MANORAMA DAILY DATED 6.12.06, WITH ITS TRANSLATION.

EXT.P2 - TRUE COPY OF ENQUIRY REPORT DATED 10.5.06, SUBMITTED BY THE 2ND RESPONDENT BEFORE THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:-

EXT.R6(a) - TRUE COPY OF THE LOCATION SKETCH.

EXT.R6(b) - TRUE COPY OF REPORT DATED 29.5.06.

EXT.R6(c) SERIES - TRUE COPY OF THE PHOTOGRAPHS.

EXT.R6(d) - TRUE COPY OF THE PROPOSAL DT.20.6.06.

EXT.R6(e) - TRUE COPY OF THE FORWARDING LETTER DT.23.6.2006.

- TRUE COPY -

V.K.Bali,C.J. & S.Siri Jagan,J.

W.P.(C).No.23689 of 2006-S

Dated, this the 10th day of November, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

This writ has been filed by way of Public Interest Litigation. The petitioner on drawing details from a news item published in Malayala Manorama Daily that a road is being constructed illegally by private persons through the forest land at Aruvakode Beat coming under the Forest Range, Nilambur, seeks to stop the opening of the said road so as not to make the said road. Before we may proceed to consider the matter, we may clarify that the complaint in the writ does not pertain to a ghat road, which is a different road.

2. On instructions, Sri.M.R.Sabu, learned Government Pleader states that respondents, on knowledge of construction of road, enquired into the matter and came to know that there was indeed construction of a road in an illegal manner and further construction of the road has been stopped and no road would be made. He also states that action is being taken against respondents 6 and 7 for illegally making the road.

In view of the aforesaid stand of the respondent-State, this writ has become infructuous and is accordingly closed.

Sd/-
V.K.Bali
Chief Justice

Sd/-
S.Siri Jagan
Judge

vku/-

- true copy -